

SUPERIOR COURT
OF THE
DISTRICT OF COLUMBIA

Holding a Criminal Term

SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

2011 DEC 20 P 4:42

FILED

Grand Jury Sworn in on October 24, 2011

THE UNITED STATES OF AMERICA	:	Criminal No: 2011CF1012767
	:	2011CF1012768
v.	:	2011CF1012769
	:	
TERRELL A. WILSON	:	Violation:
PDID: 651-691	:	22 D.C. Code Section 1805(a), 801, 404, 2001;
PHILLIP C. SWAN	:	22 D.C. Code, Section 801(a), 4502, 3601(a);
PDID: 651-695	:	22 D.C. Code, Section 4504(b);
THEODORE R. SPENCER	:	22 D.C. Code, Section 2001;
PDID: 651-694	:	22 D.C. Code, Section 2801;
	:	22 D.C. Code, Section 402;
	:	22 D.C. Code, Sections 2101, 2104.01(1);
DCTN:	:	22 D.C. Code, Sections 2101, 2104.01(4);
	:	22 D.C. Code, Section 4504(a) (2001 ed.)

(Conspiracy to Commit Burglary, Assault, Kidnaping; First Degree Burglary While Armed; Possession Of a Firearm During Crime Of Violence Or Dangerous Offense; Robbery While Armed; Assault with a Dangerous Weapon; Kidnaping While Armed; First Degree Murder While Armed - Felony Murder (burglary with Aggravating Circumstances); First Degree Murder While Armed - Felony Murder - With Aggravating Circumstances (Kidnaping With Aggravating Circumstances); Carrying A Dangerous Weapon (outside home or place of business)

The Grand Jury charges:

FIRST COUNT:

Between, on or about June 17, 2011, and June 18, 2011, within the District of Columbia, Terrell A. Wilson, Phillip C. Swan and Theodore R. Spencer did knowingly and wilfully combine, conspire, confederate and agree together to commit burglary, assault and kidnaping, in violation of 22 D.C. Code Section 1805(a), 801, 404, 2001.

I. The Object of the Conspiracy

It was the primary object of the conspiracy for Terrell A. Wilson, Phillip C. Swan and Theodore R. Spencer to enter the home of Glenn Scarborough, for the purpose of kidnaping and assaulting him.

II. Background

1. The decedent, Glenn Scarborough was the boyfriend of Theodore R. Spencer's mother, Sharon Spencer. Spencer did not approve of his mother's relationship with the decedent. In the months leading up to the murder, Theodore R. Spencer's mother became terminally ill with cancer. Spencer blamed the rapid progress of his mother's illness on the decedent's failure to care for her properly.

2. On June 17, 2011, Sharon Spencer's health took a turn for the worse. Theodore R. Spencer and his friends, Terrell A. Wilson, Phillip C. Swan, and persons known whose identities are known to the Grand Jury, traveled from Culpepper, Virginia to the District of Columbia to visit with Spencer's mother who was in the hospital. During the visit, Spencer became enraged and solicited the help of, and obtained the agreement of Terrell A. Wilson, Phillip C. Swan, and a person whose identity is known to the Grand Jury to go to the home Glenn Scarborough, to attack and assault Scarborough for mistreating Sharon Spencer and failing to take care of her properly.

3. The following day, June 18, 2011, Theodore R. Spencer, Terrell A. Wilson, Phillip C. Swan, and other persons whose identities are known to the Grand Jury, again traveled from Culpepper, Virginia to the District of Columbia to visit with Spencer's mother at the hospital. During this visit, Spencer related to his friends that he had learned that the decedent, Glenn Scarborough, had sexually assaulted his mother and given her an STD. Enraged, Theodore Spencer, Terrell Wilson and Phillip Swan agreed to return to the home of Glenn Scarborough, with the intent to attack and assault him.

Overt Acts of June 17, 2011

In furtherance of the conspiracy, and in order to effect the object thereto, defendants Terrell A. Wilson, Phillip C. Swan, and Theodore R. Spencer, and a person whose identity is known to the Grand Jury, alone and/or in various combinations, directly or indirectly, committed and caused to be committed overt acts including, but not limited to, the following, which occurred in the District of Columbia on June 17, 2011:

1. Defendants Terrell Wilson and Theodore R. Spencer took several pairs latex gloves from Georgetown Hospital to the home of Glenn Scarborough located at 1312 Levis Street, N.E. Washington, D.C.

2. Defendants Terrell A. Wilson, Phillip C. Swan, Theodore R. Spencer, and other persons whose identities are known to the Grand Jury traveled to the Glenn Scarborough's home.

3. Defendants Terrell A. Wilson, Theodore R. Spencer and a person whose identity is known to the Grand Jury and obtained rope which they took with them for the purpose of tying up Glenn Scarborough.

4. Defendants Terrell A. Wilson, Theodore R. Spencer, and a person whose identity is known to the Grand Jury knocked on the door of the Glenn Scarborough's home, waited for him

to open the door and then pushed their way inside.

5. Defendants Terrell A. Wilson, Theodore R. Spencer, and a person whose identity is known to the Grand Jury knocked the Glenn Scarborough to the floor and tied him up with rope.

6. Defendants Terrell A. Wilson, Theodore R. Spencer, and a person whose identity is known to the Grand Jury kicked, punched and struck Glenn Scarborough about his head and body.

Overt Acts of June 18, 2011

In furtherance of the conspiracy, and in order to effect the object thereto, defendants Terrell A. Wilson, Phillip C. Swan, Theodore R. Spencer, alone and/or in various combinations, directly or indirectly, committed and caused to be committed overt acts including, but not limited to, the following, which occurred in the District of Columbia on June 18, 2011:

7. Defendants Terrell A. Wilson, Phillip C. Swan, Theodore R. Spencer, and other persons whose identities are known to the Grand Jury again traveled, to the home of Glenn Scarborough located at 1312 Levis Street, N.E. Washington, D.C.

8. Defendants Terrell A. Wilson, Phillip C. Swan and Theodore R. Spencer took with them latex gloves, a knife and duct tape.

9. Defendants Terrell A. Wilson, Phillip C. Swan and Theodore R. Spencer, after entering the home of Glenn Scarborough, knocked the decedent to the floor.

10. Defendant Theodore R. Spencer placed the decedent into a "choke hold" in order to prevent him from being able to resist the attack.

11. Defendants Terrell A. Wilson, Phillip C. Swan and Theodore R. Spencer bound the decedent with duct tape, shoved a cloth into his mouth and wrapped duct tape around his mouth and head.

12. While defendant Theodore Spencer held the decedent in a “choke hold,” defendants Terrell A. Wilson, and Phillip C. Swan kicked and punched the decedent about the head and body.

13. Defendant Theodore R. Spencer repeatedly stabbed the decedent in the neck with a knife.

14. Defendant Theodore R. Spencer wrapped a belt around the decedent’s neck and pulled the belt until it broke.(Conspiracy to Commit Burglary, Assault and Kidnaping, in violation of 22 D.C. Code, Sections 1805(a), 801, 404, 2001 (2001 ed.))

SECOND COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer, while armed with a firearm, or imitation thereof, entered the dwelling of Glenn Scarborough, a person sixty years of age or older, while Glenn Scarborough was inside that dwelling with intent to commit an assault. (First Degree Burglary While Armed, in violation of 22 D.C. Code, Section 801(a), 4502, 3601(a) (2001 ed.))

THIRD COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer did possess a firearm, or imitation thereof, while committing the crime of burglary as set forth in the second count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

FOURTH COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer, while armed with a firearm, or imitation thereof, entered the dwelling of Glenn Scarborough, a person sixty years of age or older, while Glenn Scarborough was inside that dwelling with intent to commit a kidnaping. (First Degree Burglary While Armed, in violation of 22 D.C. Code, Section 801(a), 4502, 3601(a) (2001 ed.))

FIFTH COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer did possess a firearm, or imitation thereof, while committing the crime of burglary as set forth in the fourth count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

SIXTH COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer, while armed with a firearm, or imitation thereof seized, confined, kidnapped, abducted, and carried away Glenn Scarborough, a person sixty years of age or older, with intent to hold and detain Glenn Scarborough, for the purpose of assaulting the said (victim). (Kidnaping While Armed, in violation of 22 D.C. Code, Section 2001, 4502, 3601(a) (2001 ed.))

SEVENTH COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer did possess a firearm, or imitation thereof, while committing the crime of kidnaping as set forth in the sixth count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

EIGHTH COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer, while armed with a firearm, or imitation thereof, by force and violence, against resistance and by putting in fear, stole and took from the person and from the immediate actual possession of Glenn Scarborough, a person sixty years of age or older, property of value belonging to Glenn Scarborough consisting of money. (Robbery While Armed, in violation of 22 D.C. Code, Section 2801, 4502, 3601(a) (2001 ed.))

NINTH COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer did possess a firearm, or imitation thereof, while committing the crime of robbery as set forth in the eighth count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

TENTH COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer, assaulted Glenn Scarborough, a person sixty years of age or older, with a dangerous weapon, that is, a firearm or imitation thereof. (Assault with a Dangerous Weapon, in violation of 22 D.C. Code, Section 402, 3601(a) (2001 ed.))

ELEVENTH COUNT:

On or about June 17, 2011, within the District of Columbia, Terrell A. Wilson and Theodore R. Spencer unlawfully assaulted and threatened Glenn Scarborough in a menacing manner. (Assault, in violation of 22 D.C. Code, Section 404 (2001 ed.))

TWELFTH COUNT:

On or about June 18, 2011, within the District of Columbia, Terrell A. Wilson , Phillip C. Swan and Theodore R. Spencer, while armed with a dangerous weapon, that is a knife, entered the dwelling of Glenn Scarborough, a person sixty years of age or older, while Glenn Scarborough was inside that dwelling with intent to commit an assault. (First Degree Burglary While Armed, in violation of 22 D.C. Code, Section 801(a), 4502, 3601(a) (2001 ed.))

THIRTEENTH COUNT:

On or about June 18, 2011, within the District of Columbia, Terrell A. Wilson , Phillip C. Swan and Theodore R. Spencer, while armed with a dangerous weapon, that is a knife, entered the dwelling of Glenn Scarborough, a person sixty years of age or older, while Glenn Scarborough was inside that dwelling with intent to commit a kidnaping. (First Degree Burglary While Armed, in violation of 22 D.C. Code, Section 801(a), 4502, 3601(a) (2001 ed.))

FOURTEENTH COUNT:

On or about June 18, 2011, within the District of Columbia, Terrell A. Wilson , Phillip C. Swan and Theodore R. Spencer, while armed with a dangerous weapon, that is a knife, seized, confined and kidnaped Glenn Scarborough, a person sixty years of age or older, with intent to hold and detain Glenn Scarborough, for the purpose of assaulting the said (victim). (Kidnaping While Armed, in violation of 22 D.C. Code, Section 2001, 4502, 3601(a) (2001 ed.))

FIFTEENTH COUNT:

Terrell A. Wilson , Phillip C. Swan and Theodore R. Spencer, within the District of Columbia, while armed with a dangerous weapon, that is a knife, in perpetrating and attempting to perpetrate the crime of burglary, as set forth in the twelfth count of this indictment, killed Glenn Scarborough by strangling him with a belt on or about June 18, 2011, thereby causing injuries from which Glenn Scarborough died on or about June 18, 2011. (First Degree Murder While Armed - Felony Murder, in violation of 22 D.C. Code, Sections 2101, 4502 (2001 ed.))

SIXTEENTH COUNT:

Terrell A. Wilson , Phillip C. Swan and Theodore R. Spencer, within the District of Columbia, while armed with a dangerous weapon, that is a knife, in perpetrating and attempting to perpetrate the crime of burglary, as set forth in the thirteenth count of this indictment, killed Glenn Scarborough by strangling him with a belt on or about June 18, 2011, thereby causing injuries from which Glenn Scarborough died on or about June 18, 2011. (First Degree Murder While Armed - Felony Murder, in violation of 22 D.C. Code, Sections 2101, 4502 (2001 ed.))

SEVENTEENTH COUNT:

Terrell A. Wilson , Phillip C. Swan and Theodore R. Spencer, within the District of Columbia, while armed with a dangerous weapon, that is a knife, in perpetrating and attempting to perpetrate the crime of kidnaping, as set forth in the fourteenth count of this indictment, killed Glenn Scarborough by strangling him with a belt on or about June 18, 2011, thereby causing injuries from which Glenn Scarborough died on or about June 18, 2011. (First Degree Murder While Armed - Felony Murder, in violation of 22 D.C. Code, Sections 2101, 4502 (2001 ed.))

The Grand Jury Further Charges:

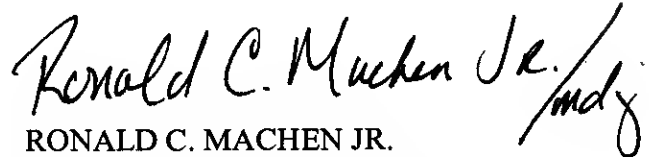
At the time of murder set forth in the fifteenth, sixteenth and seventeenth counts of the indictment, the following aggravating circumstance existed: the murder was committed in the course of kidnaping or abduction, or an attempt to kidnap or abduct, in violation of 22 D.C. Code, Sections 2101, 2104.01(1), 4502 (2001 ed.))

The Grand Jury Further Charges:

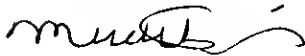
At the time of murder set forth in the fifteenth, sixteenth and seventeenth counts of the indictment, the following aggravating circumstance existed: the murder was especially heinous, atrocious, or cruel. (First Degree Murder While Armed - Felony Murder, With Aggravating Circumstance, in violation of 22 D.C. Code, Sections 2101, 2104.01(4), 4502 (2001 ed.))

EIGHTEENTH COUNT:

On or about June 18, 2011 within the District of Columbia, Terrell A. Wilson , Phillip C. Swan and Theodore R. Spencer did carry, openly and concealed on or about their persons, in a place other than their dwelling place, place of business or on other land possessed by them, a dangerous weapon capable of being so concealed, that is, a knife. (Carrying a Dangerous Weapon (Outside Home or Place of Business), in violation of 22 D.C. Code, Section 4504(a) (2001 ed.))


RONALD C. MACHEN JR.
United States Attorney
in and for the District of Columbia

A TRUE BILL:



 Foreperson